REMARKS

Upon entry of this amendment, claims 1-4 will be pending in this application.

Claims 1-3 are amended. Claim 1 is amended to remove typographical errors and as detailed below. Claim 2 is amended to include a ";" at the end of each compound name. Claims 1-3 are amended to include pharmaceutically acceptable salts. Support for these amendments can be found on page 8, lines 1-3 of the specification.

Claim 4 is new. Support for claim 4 can be found on pages 46-48 of the specification.

No new matter is added by these amendments.

Applicants' response to the Examiner's rejection is as follows.

Claim Rejections – 35 USC §112

The Examiner has rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner, recitation of "In one aspect of the present invention…" in claim 1 renders claim 1 indefinite as it is not clear what is intended. Applicants have removed, from claim 1, the language quoted by the Examiner. In light of this amendment, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, be reconsidered and withdrawn.

The Examiner has rejected claim 3 under 35 U.S.C. §112, first paragraph, allegedly because the specification, while being enabling for treating bacterial infections due to the panel of 12 strains consisting of: Staphylococcus aureus Oxford, Staphylococcus aureus WCUH29, Enterococcus faecalis I, Enterococcus faecalis 7, Haemophilus influenzae Q1, Haemophilus influenzae NEMC 1, Moraxella catarrhalis 1502, Streptococcus pneumoniae 1629, Streptococcus pneumoniae N 1287, Streptococcus pneumoniae N1387, E. coli 7623 (AcrABEFD+) and E. coli 120 (AcrAB-), does not reasonably provide enablement for any or all bacterial infections. According to the Examiner, the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. Applicants respectfully traverse this rejection.

The Examiner states that instant claim 3 is a reach through claim and is drawn to a mechanistic, receptor binding or enzymatic functionality in general format and thereby

reaches through the scope of invention for which it lacks adequate written description and enabling disclosure. Applicants assert that instant claim 3 is not a "reach through claim" and that the specification adequately supports and enables one of ordinary skill in the art to make and use the invention of claim 3.

In terms of making the invention, Applicants have given on pages 10-12 of the specification, the general synthetic steps that can be used to make compounds of formula (1). On pages 12-46, more detailed procedures are given to show one of ordinary skill how to make specific compounds of formula (1). The general synthetic steps coupled with specific experimental procedures gives sufficient guidance to enable one of ordinary skill in the art to make the compounds of formula (1).

In terms of use, Applicants have given on page 48 of the specification, two assays that one of ordinary skill in the art can use to test the level of activity of a given compound of formula (1). The first assay is a Biological Assay (page 48, lines 15-23) that one of ordinary skill in the art can use to determine the level of inhibition a compound has against S. aureus and E. coli PDF. The second assay is an Antimicrobial Activity Assay that one of ordinary skill in the art can use to determine how effective certain compounds of formula (1) are at inhibiting the growth of different strains of bacteria. The procedure used in this assay is the "Methods for Dilution Susceptibility Tests for Bacteria that Grow Aerobically", Document M7-A4 and is recommended by the National Committee for Clinical Laboratory Standards (NCCLS). Here it is shown that the compounds of formula (1) were evaluated against 12 different strains of bacteria. Applicants submit that many different strains of bacterial can purchased from commercial sources and used in the above Antimicrobial Activity Assay. Many companies also offer susceptibility testing of compounds against thousands of different strains of bacteria. See Eurofinsmedinet at http://www.eurofins-medinet.com/ under Anti-infective Services; Antimicrobial Surveillance and IHMA at http://www.ihmainc.com under Services; LIMS. Given the routine nature of this assay and availability of other strains of bacteria, one of ordinary skill in the art could easily test the compounds of formula (1) against additional strains of bacteria without undue experimentation.

In light of the above remarks, Applicants respectfully request that the rejection of claim 3 under 35 U.S.C §112, first paragraph be reconsidered and withdrawn.

Allowable Subject Matter

Applicants acknowledge that the Examiner has objected to claim 2 as being dependent upon a rejected base claim, and found that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner states that claim 1 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C §112, second paragraph, set forth in this Office Action. Applicants submit that claim 1 should be found allowable in light of the amendments detailed above.

Conclusion

This reply is intended to further this case to allowance by addressing each ground of objection and rejection in the Examiner's Office Action. Reconsideration of this application is respectfully requested. Authorization is hereby granted to charge any fees which may be required by this paper to Deposit Account No. 19-2570. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned agent at the number given below.

Respectfully submitted,

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